

**MEDICAL EXAMINING BOARD
MINUTES
MARCH 17, 2010**

- PRESENT:** Carolyn Bronston, LaMarr Franklin, Jude Genereaux, Dr. Jerold Harter, Dr. Sujatha Kailas, Dr. Jack Lockhart, Dr. Raymond Mager, Dr. Suresh Misra, Dr. Ian Munro, Dr. Gene Musser, Dr. Sandra Osborn, Dr. Sheldon Wasserman (arrived at 8:10)
- STAFF:** Thomas Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant
- GUESTS:** Anne Hletko, Council on Physician Assistants; Kim Kluck; Mark Grapentine, WMS; Attorney Stephen Hurley; Judy Warmuth, WHA; Eric Jensen, WAPA; Jeremy Levin, RWHC

CALL TO ORDER

Sujatha Kailas, Chair, called the meeting to order at 8:06 a.m. A quorum of eleven (11) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Under LEGISLATIVE LIAISON REPORT (Open Session):
 - Preliminary Draft (not ready for introduction), relating to duties of physicians and of the Medical Examining Board
 - Letter from Wisconsin Public Health Council regarding 2009 Assembly Bill 653 and Senate Bill 460
- Under INFORMATIONAL ITEMS (Open Session):
 - Letter from Ronald Weich, U.S. Assistant Attorney General to Herb Kohl regarding prescribing controlled substances to patients at long-term care facilities
 - Letter from The Quality Care Coalition for Patients in Pain (QCCPP)
- Item “F” (Closed Session) – Replace pages 49-54 with the corrected pages in the red folder
- Under STIPULATIONS RECEIVED AFTER MAILING OF AGENDA (Closed Session):
 - Deliberation of Proposed Stipulation and Final Decision and Order in the Matter of Disciplinary Proceedings Against Brian J. Bohlman, MD – Case Advisor – Bhupinder Saini
 - Deliberation of Proposed Stipulation and Final Decision and Order in the Matter of Disciplinary Proceedings Against Bradley Wolf, MD – Case Advisor – Sandra Osborn

- Item “H” (Closed Session) – Deliberation of Administrative Warning in 09 MED 078 – Remove this item from the agenda
- Under DELIBERATION OF COMPLAINTS RECEIVED AFTER MAILING OF AGENDA (Closed Session), add:
 - Deliberation of Complaint in Case Number 07 MED 052

MOTION: Suresh Misra moved, seconded by Sandra Osborn, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 17, 2010

Correction:

- Correct the date in the footer to “February 17, 2010”

MOTION: Sandra Osborn moved, seconded by Jerold Harter, to approve the Minutes of February 17, 2010, as corrected. Motion carried unanimously.

RESIGNATION OF DR. BHUPINDER SAINI

Dr. Bhupinder Saini resigned from the Board effective February 25, 2010.

PRESENTATION OF PROPOSED STIPULATIONS

ALBERTA STETTER, RCP

DOE attorney Jack Zwieg presented a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Alberta Stetter, RCP. This matter will be deliberated in closed session.

JACQUELINE WALTER, MD

DOE attorney Sandra Nowack presented a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Jacqueline Walter, MD. This matter will be deliberated in closed session.

JOSEPH BESSO, MD

DOE attorney Sandra Nowack presented a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Joseph Besso, MD. This matter will be deliberated in closed session.

BRIAN J BOHLMAN, MD

DOE attorney Jack Zwieg presented a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Brian J. Bohlman, MD. This matter will be deliberated in closed session.

BRADLEY WOLF, MD

DOE attorney Jack Zwieg presented a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Bradley Wolf, MD. This matter will be deliberated in closed session.

**PRESENTATION OF PROPOSED STIPULATIONS AND FINAL DECISIONS
AND ORDERS THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF THE AGENDA**

None.

**PRESENTATION OF PROPOSED DECISIONS THAT MAY BE RECEIVED IN
THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**PETITIONS FOR RE-HEARING THAT MAY BE RECEIVED IN THE BUREAU
AFTER MAILING OF THE AGENDA**

None.

**PETITIONS FOR SUMMARY SUSPENSION THAT MAY BE RECEIVED IN
THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**PETITIONS FOR EXTENSION OF TIME IN CASES THAT MAY BE
RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**REQUESTS FOR DISCIPLINARY PROCEEDING PRESENTATIONS THAT
MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**APPEARANCES FROM REQUESTS RECEIVED OR RENEWED AFTER
MAILING OF THE AGENDA**

None.

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**SPEAKING ENGAGEMENT, TRAVEL AND PUBLIC RELATION REQUESTS
THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF THE
AGENDA**

None.

ADMINISTRATIVE REPORT

Charles Facktor, Supervising Attorney, Division of Enforcement

Charles Factor introduced himself and gave an update on the DOE staff assigned to the Board

**Update on MEB Application for American Recovery and Reinvestment Act of 2009
License Portability Grant**

Tom Ryan has not yet received a decision regarding the license portability grant.

Possible Medical Board Website Links

Tom Ryan asked the Board to consider adding the following links to the DRL website under the Medical Examining Board as a related subject.

- American Board of Medical Specialties “Is Your Doctor Certified” website
- Administrators in Medicine (AIM) Doc Finder website

Sujatha Kailas and Sheldon Wasserman both mentioned that it is difficult to find information on the Wisconsin Medical Examining Board from internet search engines. The Board would like to have a separate URL to link directly to the MEB information on the DRL website.

SCREENING PANEL REPORT

Jude Genereaux reported that 33 cases were screened, 7 were opened and three 10-day letters were sent. One of the Board’s public members participates on the screening panel, and Tom Ryan encouraged LaMarr Franklin to become active with the screening panel when the next board assignments change in July.

IMPAIRED PROFESSIONALS PROCEDURE RULE DRAFTING UPDATE

Michael Berndt reported that the IPP work group met last week. The group suggested a number of changes and Mr. Berndt will draft the changes and bring the working document to the next IPP meeting for review.

OUTREACH COMMITTEE REPORT

The Outreach Committee will be meeting today after the Board meeting. The Committee will be considering holding a board meeting at the Medical College of Wisconsin and also presenting at grand rounds.

REPORT FROM FEDERATION OF STATE MEDICAL BOARDS (FSMB) TELECONFERENCE

Tom Ryan participated in a teleconference with the FSMB on February 18th. It was very informative and telemedicine licenses are on the increase in those states that license telemedicine.

BUDGET OVERVIEW – JIM PARKER, DRL BUDGET DIRECTOR

Jim Parker, DRL Budget Director, reviewed the funding and budget for the Medical Examining Board. During the budget process, the Joint Finance Committee made big cuts to the monies requested by the Department. The current budget allows for funding travel for one board member per year. Sujatha Kailas requested quarterly reports on the Board's budget.

MOTION: Sheldon Wasserman moved, seconded by Carolyn Bronston, to have a decision item narrative in the budget that specifically allows the Board Chair to have authority over discretionary funds for travel. Motion carried unanimously.

LEGISLATIVE LIAISON REPORT

Gene Musser and Sheldon Wasserman reviewed the status of the following bills with the Board:

- Review of Draft Re: Possible Legislation Related to Reporting Requirements, Summary Suspensions, Resident Prescribing and Continuing Education
- Assembly Bill 227, relating to directing the Pharmacy Examining Board to monitor the dispensing of prescription drugs
- Assembly Bill 267, relating to licenses and limited x-ray machine operator permits to engage in the practice of radiography and creating a radiography examining board
- Assembly Bill 275, relating to the Physical Therapists Affiliated Credentialing Board
- Assembly Bill 440, relating to licensure of dietitian nutritionists
- Senate Bill 482, relating to the practice of athletic trainers
- Assembly Bill 653, relating to prescriptions for antimicrobial drugs for treatment of chlamydial infections, gonorrhea, or trichomoniasis
- Assembly Bill 671, relating to relating to: licensing anesthesiologist assistants and creating the Council on Anesthesiologist Assistants and granting rule-making authority. (FE)

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- Preliminary Draft (not ready for introduction), relating to duties of physicians and of the Medical Examining Board

MOTION: Jerold Harter moved, seconded by Ian Munro, to authorize Gene Musser and Sheldon Wasserman to speak on behalf of the Board in favor of the preliminary draft relating to the duties of physicians and of the Medical Examining Board. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Jude Genereaux, to authorize Gene Musser and Sheldon Wasserman to communicate with the Wisconsin Medical Society regarding a physician's duty to report. Motion carried unanimously.

- Letter from Wisconsin Public Health Council regarding 2009 Assembly Bill 653 and Senate Bill 460

MOTION: Gene Musser moved, seconded by Jerold Harter, to authorize Sujatha Kailas and Sheldon Wasserman to communicate to the Senate Committee on Health, the Board's opposition to placing the massage therapy board under the jurisdiction of the Medical Examining Board. Motion carried unanimously.

**REQUEST FOR APPROVAL OF PHYSICIAN ASSISTANT SUPERVISION
PLAN – CLARE H REED, MD, ASPIRUS CLINICS – WAUSAU**

The Board reviewed the information from Aspirus Clinics and determined that no variance is required.

**REQUEST FOR APPROVAL OF PHYSICIAN ASSISTANT SUPERVISION
PLAN – ZENOUN O ABOUZELAM, MD – AFFIINTY HEALTH SYSTEM –
APPLETON**

MOTION: Gene Musser moved, seconded by Sandra Osborn, to grant the variance to Zenoun O. Abouzelam, MD. The motion failed by a vote of 5 in favor, 5 against and 2 abstentions.

The request for the variance is denied.

UPDATE ON PENDING ISSUES

The Board reviewed the status of Chelation Therapy Informed Consent Rule, GME for Licensure - 1 To 3 Years, Criminal Background Checks and Telemedicine. These updates may be removed from further agendas unless there is a change of status.

**SUMMER 2010 REGULATORY DIGEST – ARTICLE WRITING
ASSIGNMENTS**

Sujatha Kailas asked the Board members to begin submitting items for the next Regulatory Digest. A first draft should be ready in May, the second draft in June and a target publication date of July.

FSMB UPDATE – GENE MUSSER, SUJATHA KAILAS AND SANDRA OSBORN

Sujatha Kailas reported the FSMB awarded only 10 scholarships for public members and this board received one of them for Jude Genereaux.

**APPLICATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF THE AGENDA**

None.

**EXAMINATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF THE AGENDA**

None.

**CONTINUING EDUCATION ISSUES THAT MAY BE RECEIVED IN THE
BUREAU AFTER MAILING OF THE AGENDA**

None.

**PRACTICE QUESTIONS THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF THE AGENDA**

None.

**APPEARANCES FROM REQUESTS RECEIVED OR RENEWED AFTER
MAILING OF THE AGENDA**

None.

INFORMATIONAL ITEMS

Noted.

OTHER BUSINESS

None.

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PUBLIC COMMENTS

None.

BOARD SELF-EVALUATION – SUJATHA KAILAS

The Board members were provided with a board self evaluation form. Sujatha Kailas asked the members to complete the form and mail it back to the Department.

RECESS TO CLOSED SESSION

MOTION: Sandra Osborn moved, seconded by Gene Musser to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn Bronston-yes; LaMarr Franklin-yes; Jude Genereaux-yes; Dr. Jerold Harter-yes; Dr. Sujatha Kailas-yes; Dr. Jack Lockhart-yes; Dr. Raymond Mager-yes; Dr. Suresh Misra-yes; Dr. Ian Munro-yes; Dr. Gene Musser-yes; Dr. Sandra Osborn-yes; Dr. Sheldon Wasserman-yes. Motion carried unanimously.

Open Session recessed at 10:47 a.m.

RECONVENE IN OPEN SESSION

MOTION: Suresh Misra moved, seconded by Jerold Harter, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:30 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Carolyn Bronston moved, seconded by Jerold Harter, to reaffirm all motions made in closed session. Motion carried unanimously.

PROPOSED STIPULATIONS

ALBERTA STETTER, RCP

MOTION: Gene Musser moved, seconded by Jack Lockhart, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Alberta Stetter, RCP. Motion carried unanimously.

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JACQUELINE WALTER, MD

MOTION: Suresh Misra moved, seconded by Sheldon Wasserman, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Jacqueline Walter, MD. Motion carried with 8 yes votes and 3 no votes.

JOSEPH BESSO, MD

MOTION: Gene Musser moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Joseph Besso, MD. Motion carried unanimously.

BRIAN J BOHLMAN, MD

MOTION: Gene Musser moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Brian J. Bohlman, MD. Motion carried unanimously.

BRADLEY WOLF, MD

MOTION: Jerold Harter moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Bradley Wolf, MD. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

09 MED 228

MOTION: Suresh Misra moved, seconded by Jerold Harter, to issue an administrative warning in case **09 MED 228**. Motion carried unanimously.

09 MED 254

MOTION: Jerold Harter moved, seconded by Jack Lockhart, to issue an administrative warning in case **09 MED 254**. Motion carried unanimously.

09 MED 356

MOTION: Jack Lockhart moved, seconded by Raymond Mager, to issue an administrative warning in case **09 MED 356**. Motion carried. Gene Musser abstained.

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09 MED 398

MOTION: Ian Munro moved, seconded by Sheldon Wasserman, to not accept the administrative warning in case **09 MED 398**. Motion carried with 5 yes votes, 2 no votes. Sandra Osborn and Gene Musser abstained.

09 MED 438

MOTION: Jack Lockhart moved, seconded by Raymond Mager, to issue an administrative warning in case **09 MED 438**. Motion carried unanimously.

**ORDER TO DISMISS IN THE MATTER OF DISCIPLINARY PROCEEDINGS
AGAINST RICK L. PERKINS, MD**

MOTION: Ian Munro moved, seconded by Gene Musser, to adopt the Findings of Fact and Order to dismiss the disciplinary proceedings against Rick L. Perkins, MD, due to exceeding the statute of limitations. Motion carried. Sujatha Kailas was excused during deliberation and abstained from voting.

ORDER FIXING COSTS IN THE MATTER OF PRASAD V. YALAVARTHI, MD

MOTION: Gerald Harter moved, seconded by Sandra Osborn, to adopt the Order Fixing Cost in the disciplinary proceedings against Prasad V. Yalavarthi, MD. Motion carried unanimously.

**CHAPTER 227 REVIEW OF DECISION IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST FRANK SALVI, MD**

MOTION: Carolyn Bronston moved, seconded by Sheldon Wasserman, to appeal the Circuit Court decision in the disciplinary proceedings against Frank Salvi, MD. Motion carried. Jack Lockhart and Sandra Osborn were excused during deliberation and abstained from voting.

**REQUEST FOR WAIVER OF 12 MONTHS ACGME APPROVED POST-
GRADUATE TRAINING – JOHN KARL L. DIOS, MD**

MOTION: Raymond Mager moved, seconded by Ian Munro, to grant the request for a waiver of the 12 months ACGME approved post-graduate training to John Karl L. Dios, MD. Motion carried with 2 no votes.

DELIBERATION OF COMPLAINT

07 MED 052

MOTION: Jack Lockhart moved, seconded by Ian Munro, to find probable cause to issue a complaint in case **07 MED 052**. Motion carried unanimously.

CASE CLOSINGS

08 MED 057

MOTION: Suresh Misra moved, seconded by Ian Munro, to close case **08 MED 057** for no violation. Motion carried unanimously.

07 MED 050

MOTION: Raymond Mager moved, seconded by Gene Musser, to close case **07 MED 050** for no violation. Motion carried unanimously.

07 MED 395

MOTION: Jerold Harter moved, seconded by Suresh Misra, to close case **07 MED 395** for prosecutorial discretion. Motion carried unanimously.

07 MED 493

MOTION: Ian Munro moved, seconded by Jack Lockhart, to close case **07 MED 493** for no violation. Motion carried unanimously.

09 MED 225

MOTION: Sheldon Wasserman moved, seconded by Ian Munro, to close case **09 MED 225** for no violation. Motion carried unanimously.

09 MED 340

MOTION: Sandra Osborn moved, seconded by Jude Genereaux, to close case **09 MED 340** for no violation. Motion carried. Ian Munro abstained.

09 MED 251

MOTION: Jack Lockhart moved, seconded by Jerold Harter, to close case **09 MED 251** for no violation. Motion carried unanimously.

07 MED 339

MOTION: Sheldon Wasserman moved, seconded by Ian Munro, to close case **07 MED 339** for no violation. Motion carried unanimously.

009 MED 328

MOTION: Jerold Harter moved, seconded by Jude Genereaux, to close case **09 MED 328** for no violation. Motion carried unanimously.

08 MED 164

MOTION: Suresh Misra moved, seconded by Jerold Harter, to close case **08 MED 164** for no violation. Motion carried unanimously.

MONITORING

No monitoring cases were presented.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Gene Musser moved, seconded by LaMarr Franklin, to ratify all licenses and certificates presented. Motion carried unanimously.

ADJOURNMENT

MOTION: Sheldon Wasserman moved, seconded by Jack Lockhart, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:33 p.m.